



City of Chicopee, Massachusetts

License Commission

Donald Goulette, Chairman
Robert Borowiec
James Grise
Donald Derosia

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Minutes for June 13, 2011

In attendance: Chairman Goulette, Commissioners Borowiec, Grise and Derosia. Also Atty. Rooke is in attendance.

Minutes for May are presented to the Board. Commissioner Derosia makes a motion to approve and asks that a correction is made changing Sgt. Major to Lt. Major in the minutes. Commissioner Borowiec seconds. Motion approved 4-0.

Blue Sky Diner Update. In attendance: Steve Abdow. Mr. Abdow informs the Board that he is the owner of the building and property. He was informed after our last meeting the Mr. Gok's licenses were suspended and he had closed the business. He would like to get the license transferred back into his name. He is aware that there is a tax issue involved and that these need to be addressed before a transfer can take place. He does have right of first refusal for the transfer of the license. Atty. Rooke asks that the license be turned over to the office. Atty. Rooke asks that Det. Dion schedule an appointment to retrieve the licenses and return them to the License Commission.

Hearing for Maximum Capacity. In attendance: Atty. Jeff Guiel, Donald Robert, Sr, Donald Robert, Jr, Michael Coombs, Peter Boutin, Brett Carey, Det. Michael Dion, Det. Scott Lynch, ABCC Investigator Jan Kujawski and ABCC Investigator Carolyn Guarino. Commissioner Derosia states for the record that he has had past business dealings with Mr. Robert and he currently does not have any. He feels confident that he can objectively sit on this Board. Atty. Rooke informs the Board that there are technical difficulties with the DVD that was supposed to be admitted into evidence tonight. We also have 2 investigators from the Alcoholic Beverages Control Commission in attendance. After consulting with Atty. Guile, he recommends that the hearing be initiated to hear testimony from these investigators and the hearing then be suspended until July. Chairman Goulette asks the ABCC investigators to please step to the microphones. Atty. Rooke asks if Atty. Guiel will agree to waive the reading of the charges into the record. Atty. Guiel agrees to this. Atty. Rooke states the following: let the record reflect the violations alleged are in a letter dated June 2, 2011 to Mr. Donald Robert, Jr, manager of West St Bar & Grill, d/b/a Maximum Capacity, 116 School St and there are 8 separate counts alleging violations. Ms. Guarino and Mr. Kujawski identify themselves for the record. Atty. Rooke asks that Investigator Guarino state what she witnessed on the evening of May 13 and May 14, 2011. Investigator Guarino informs the Board that she is a Senior Investigator with the ABCC for 17 years, a police officer for Taunton and a narcotics officer as well. On this particular night she was called out on a joint investigation with the Chicopee Police Department. She entered the establishment at 9:30 PM and gave the doorman a ticket to enter the establishment so she didn't have to pay to get in. She immediately saw an African American dancer and what brought her attention to him was that he was simulating a sexual act with a woman patron and she also saw another dancer that was on the stage and was wearing jeans, no shirt, a Caucasian male, and there was a female on the floor of the stage and he was on top of her and he was simulating a sexual act also. She looked over and saw another dancer who had a g-string on and some shorts on and they were pulled down so she saw his buttocks exposed. She observed him pick up a woman patron and was simulating a sexual act with her. Bumping and grinding with her also. She also observed another white male dancer over in the corner, he had pulled down his g-string and his buttocks were exposed and he was up against a female patron. She did not see any frontal areas at that time. Investigator Kujawski informs the Board that Investigator Guarino entered the building in an undercover capacity as she had just testified to. He entered the establishment 15 minutes later with Investigator Doyle and Investigator Capurso and they scanned the crowd to see if they could observe any patrons that looked like they could be underage or intoxicated. He did not find any that evening. He did card several of the younger looking females. There

were no violations that evening. During the time of his investigation, he did not witness everything that Investigator Guarino did but he did witness the buttocks of a male dancer. He did witness several dancers simulate a lap dance that he would equate with strip bars in different areas of the state that have male entertainment. Chairman Goulette inquires if he did any other compliance checks in the area that night. Investigator Kujawski states he did not do any other compliance checks and he stayed to help Investigator Guarino with her investigation. They had met with the owner of the establishment and had requested evidence and then they proceeded to his office. The other 2 investigators however did check several local establishments in the area and did not find any other violations. Atty. Guiel does not have any questions for the investigators. He does inform the Board that he is representing Maximum Capacity and Mr. Robert. He asks that we hold the hearing in abeyance so that the Commissioners can view the DVDs. There will be several witnesses that are not going to testify tonight. Mr. Boutin who is the sound manager is in attendance tonight as is Brett Carey owner/manager of the Men in Motion performances. He has come voluntarily and will explain to the Board what he was wearing that night and how his operation is run and what this agreement is with Maximum Capacity. Atty. Guiel feels the Commission needs to view the DVD and that it is not a crystal clear view and it takes a while to view it. Chairman Goulette asks Atty. Guiel to keep in mind that the Board has live testimony tonight and they are going to consider that. Atty. Rooke suggests that the hearing be suspended and set the date for the next hearing. Commissioner Derosia makes a motion to suspend the hearing. Commissioner Borowiec seconds. The motion is approved 4-0. The next hearing is July 21, 2011 @ 6:00 PM. Atty. Guile informs the Board that Mr. Boutin has another commitment that night and could he submit an affidavit or he could testify tonight. Chairman Goulette agrees to let Mr. Boutin testify tonight as the ABCC investigators have. Commissioner Derosia makes a motion to suspend the motion to suspend the hearing. Commissioner Grise seconds. Motion approved 4-0. Mr. Boutin informs the Board that he did not witness any nudity that evening. He is not the usual sound guy he was filling in for someone else that night. He only works there maybe once or twice a month. He has worked the Men in Motion shows twice before. This was his third time working the show. He coordinates with Mr. Carey. He has always worked with Mr. Carey. His vantage point was in the middle of the room. He was working but watching the show per se. He observed the usual show that has been performed before. Nothing out of the ordinary. He did not see any of the dancers undressed. Chairman Goulette asks the ABCC if they have anything else to add. Investigator Guarino does have a short video on her phone. She will make arrangements to have it sent to the Commission. Commissioner Grise makes a motion to continue the hearing until July 21, 2011 @ 6:00 PM. Commissioner Borowiec seconds. Motion approved 4-0.

Discussion on +18 or College Nights postponed to the July meeting.

Application for a Change of Officers/Directors for the Tigers, 14 Montgomery St with Michael Hurley as manager. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

2011 Fest of All Temporary Common Victualers

Carol's Concession with Gerardina Calabrese as manager

Cliff's Smokin' Backyard BBQ with Cliff Phillips as manager

Doogan's Deli with Tim Pietras as manager

Fairview Deli with Ronald Bonafilia as manager

Hu Ke Lau with Billy Yee as manager

Ichabod's Tavern (Dogs n Such) with Bill Snyder as manager

JND Amusements with Sarin King as manager

Lil Donuts with Joseph Celli as manager

Maximum Capacity with Donald Robert, Jr as manager

Poppie's Concessions with Gino Orlandi as manager

Rumbleseat with Bill Stetson as manager

Thai Awesome Restaurant, Kim Saeng as manager

The Ultimate BBQ with Jaime Duclos as manager

Veggie Patch with Maryann Brick as manager

Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 4-0.

Application for a Common Victualer license for Citgo Food Mart, 817 Front St with Sanjay Patel as manager (2011 renewal) Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for a Mobile Common Victualer for Maria Del Mar Rivera as manager (New) Commissioner Derosia makes a motion to approve. Commissioner Borowiec seconds. Motion approved 4-0

Application for a Mobile Common Victualer for The Very Best Soft Ice Cream with Recep Sorikrioglu as manager (New) Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 4-0

Application for a Special One Day Permit (Wine/Malt) for St. Stanislaus Parish, 534 Front St for a Jubilee Celebration of 50 years of Priesthood for Fr. Lucian, Fr. Paschal, Fr. Marion and Br. Dennis to be held on June 26, 2011 from 1:00 PM until 5:00 PM with Fr. Michael Zielke as applicant. Commissioner Grise makes a motion to approve and waive the fee. Commissioner Derosia seconds. Motion approved 4-0

Application for a Special One Day Permit (Wine/Malt) for B Bar, 16 Bolduc Ln for a Customer Appreciation Day to be held on July 09, 2011 from 12:00 PM until 6:00 PM with Patricia Coelho as applicant. Commissioner Borowiec makes a motion to approve. Commissioner Derosia seconds. Motion approved 4-0

Application for a Special One Day Permit (Wine/Malt) for B Bar, 16 Bolduc Ln for a Poker Run Relay for Life to be held on July 23, 2011 from 3:00 PM until 10:00 PM with Patricia Coelho as applicant. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for a Special One Day Permit (Wine/Malt) for Patti's Four-Ten, 32 Quincy Ave for a Benefit for a Fire Victim to be held on July 2, 2011 from 10:00 AM until 10:00 PM with Patricia Bousquet as applicant (Rain date July 3, 2011 11:00 AM until 8:00 PM) Commissioner Derosia makes a motion to approve and change the rain date time to 11:00 AM until 8:00 PM. Commissioner Grise seconds. Motion approved 4-0

Filing fees are read into the record by Commissioner Grise. The Commissioner review a police report for The Rumbleseat and would like them brought in for a hearing at the July meeting.